IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE
CIVIL APPLICATION NO.3077 OF 2004
IN
WRIT PETITION NO.6707 OF 2004

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.

Court's or Judge's orders

Mr.J.Saluja i/b. M.V. Kini & Co., for the Petitioners
Mr.P.S. Dani i/b. Mehta & Co., for Respondent.

CORAM : F.I. REBELLO,J.
DATED : JANUARY 24, 2005
P.C.

. Considering the fact that the learned Judge has considered the issues involved and has found that the matter requires admission no case made out for interfering with the order admitting the petition. In so far as interim relief is concerned, there was an interim relief in favour of the Respondent during the pendency of the proceedings in the trial Court. That order was continued in Appeal. There is a finding in favour of the Respondent. Considering that in the fitness of things the order granting interim relief dated 9th December, 204 is liable to be recalled.

2. It is, however, pointed out on behalf of the petitioners that on account of the opening is on the Highway and on

account of failure to put the median accidents have occurred. If that be so, it will be open to the petitioners based on the subsequent events to apply to this Court to vacate the interim relief. That will be considered independently.

. With the above observations Civil Application stands disposed of.

(F.I. REBELLO, J.)